

# Exide's Vernon Facility: Current Status and Background

July 28, 2014

## Current Operating Status

- The Vernon Exide facility suspended operation in March 2014 because it could not meet new air district requirements.
- The facility could reopen by the end of the year as a result of an agreement reached between Exide and the local air district in July 2014
- The agreement requires Exide to install equipment to control arsenic emissions and takes steps to keep lead-contaminated dust from being released during the upgrades (<http://www.latimes.com/science/la-me-0711-exide-20140711-story.html>)

## Current RCRA Permit Status

- Exide has been operating the hazardous waste treatment and storage activities under an Interim Status Document which was granted to them on December 12, 1981.
- Exide's currently submitted permit application has been found deficient three times which resulted in issuing Notices of Deficiency (NOD) in 2011, 2012, and then most recently on June 17, 2014.
- One of the largest issues cited in DTSC's third NOD is Exide's miscalculation and underestimate of Closure Costs.
  - o Exide currently estimates it would need slightly over \$10.5 million to close.
  - o DTSC found several errors in this calculation, and feels it is several million dollars too low.
  - o Inaccurate closure cost estimates is also of heightened concern because Exide filed for bankruptcy in June 2013, creating greater doubts about their financial stability.
- Based on protocol, Exide has 30 days to address all of the permit deficiencies found in the current NOD. Exide requested an additional 30 day extension, and now has until August 18, 2014 to submit their final response.
- Should Exide fail to address all of the listed deficiencies, this will constitute failure to comply with the requirements of the Third NOD. **Under state law, DTSC must begin a permit denial process if an applicant does not submit a complete permit application package after the Department's third "Notice of Deficiency."**

## Current Community Concerns

- The Vernon facility is located near the I-710 freeway, which is surrounded by densely populated EJ communities that are severely impacted by pollution from local industrial activities
- It is currently estimated that 110,000 residents could have increased cancer risks due to Exide's arsenic emissions (<http://articles.latimes.com/2014/mar/19/local/la-me-exide-meeting-20140320>)
- Under orders from DTSC, Exide conducted soil testing at 39 homes around the Vernon facility and 2 schools in November 2013
  - o 24 chemicals were tested; Lead was the only chemical detected in the soil at the homes
  - o Initial results did not indicate problems at the two school locations, although one had slightly higher lead levels than expected.
  - o DTSC is requiring Exide will to mitigate the higher lead levels

## Additional Background

## **General**

- Exide Corporation is a battery recycler with a facility located in Vernon, California (just a few miles South East of LA)
- Since 1992, Exide Corp. has recovered lead from various used, old or discarded materials. The plastic components are recycled by KW Plastics of California in Bakersfield. The sulfuric acid is also neutralized and used in the wastewater treatment system.
- The facility has an average production of 100,000 to 120,000 tons of lead per year. This is equivalent to recycling approximately 11 million car batteries, which is about the same number of used batteries generated in California annually.
- Exide also recovers lead from lead bearing plant scrap and secondary materials, primarily from lead-acid battery manufacturers. These activities require a hazardous waste facility permit from DTSC.

## **Previous Exide Shutdown (April 2013)**

- On April 24, 2013 DTSC ordered the Exide facility to suspend operations immediately. DTSC issued the order after receiving reports regarding airborne emissions from Exide's operations and ongoing subsurface releases from degraded underground pipes.
- A Los Angeles Superior Court judge overruled DTSC in June 2013 and ordered the facility reopened until an administrative hearing could be completed.
- Following this DTSC and Exide agreed to a Stipulation and Order which requires Exide to set aside \$7.7 million in a special fund for upgrading the storm water system, reducing arsenic emissions in the air, blood lead testing in the community and sampling dust and soil around the facility.
  - o The agreement sets a sliding scale of fines up to \$10,000 per day if the conditions are not met.
  - o The Stipulation and Order is separate from Exide's application for a permit, which will be decided on its own merits.

## **Additional RCRA Permit History:**

- Exide filed a Resource Conservation and Recovery Act (RCRA) Part A Application on August 8, 1980 for the hazardous waste storage and treatment activities.
- Exide has been operating the hazardous waste treatment and storage activities under an Interim Status Document which was granted to them on December 12, 1981.
- On November 8, 1988, Exide submitted a Hazardous Waste Permit Application (Application) to DTSC.
- After several years of dealing with the Application, DTSC then public noticed a draft Hazardous Waste it (Permit), a Health Risk Assessment (HRA) and an Environmental Impact Report (EIR) on July 7, 2006.
- Based on significant public inquiry and new regulations, significant upgrades were initiated at Exide under the joint oversight of the South Coast Air Quality Management District (SCAQMD) and DTSC. Exide has since submitted a new permit application to DTSC which is currently under review by DTSC (see status above).

Unless otherwise linked, the majority of the information above came from DTSC's website:

<https://dtsc.ca.gov/HazardousWaste/Projects/UpdateExideSuspension.cfm>